

REMARKS

Claims 4, 5, 8 and 9 are pending. Reconsideration and allowance based on the following remarks are respectfully requested.

Interview

Applicant appreciates the courtesies extended to Applicant's representatives during the interview conducted on August 24, 2006. During this interview it was agreed by the Examiner and her supervisor that Inoue et al. does not teach or suggest performing a route searching and setting the condition of a vehicle after the route is searched and requesting the setting of the condition of the vehicle when the searched for route includes a specific road. Because these features were not taught by Inoue, it was agreed by the Examiner that the § 102 rejection had been overcome and should be withdrawn.

Prior Art Rejection

The Office Action rejects claims 4, 5, 8 and 9 under 35 U.S.C. § 103(a) as being unpatentable over Ito et al. (US 6,470,266) in view of Inoue et al. (US 6,295,503). This rejection is respectfully traversed.

The Office Action states that Ito "failed to disclose on which determination of whether or not a vehicle is allowed to travel can be performed according to a condition of the vehicle, where the condition of the vehicle is set after the route is searched, when the searched for route includes a specific road." See page 3 of the Office Action. The Office Action asserts that Inoue provides this teaching absent in Ito. Applicants respectfully submit that during the interview on August 24th, the Examiner agreed to withdraw the §102 rejection under the premise that Inoue failed to teach the above-noted features. The Examiner has now combined Ito with Inoue and during the Interview and in the present Office Action again is relying on Inoue to provide the above noted features. Applicants submit that the admissions that both Inoue (Interview) and Ito (Office Action) do not teach the claimed features preclude the combination from satisfying the requirements under 35 U.S.C. § 103 in which each and every feature of the

elements must be taught by the combination. Accordingly, the rejection should be withdrawn for these reasons.

Nonetheless, Applicant provides the following arguments addressing the distinctions between the claimed features and Inoue and Ito.

Ito teaches a navigation system in which a route is determined based on a current GPS location of the vehicle and the desired destination input by the user. The route may include restricted type roads. If this occurs, when approaching the restricted road, the system may inform the driver of the up coming restricted road allowing the driver to determine whether to continue on the road or determine a detour himself or herself. See column 4, lines 1-33 and column 5, line 61-column 6.

In Ito a condition of the vehicle is set or determined before the route is searched in order to determine the searched route. Thus, only when the condition is set prior to the search to search an optimal route including specific roads, will the specific roads be included and provided in the route. In contrast, according to embodiments of the present invention, irrespective of the condition of the vehicle, the route search process including the specific roads is first performed.

As recognized in the Office Action, Ito fails to teach, inter alia, where the condition of the vehicle is set after the route searched and when the searched for route includes a specific road, said route searching unit outputs a message to urge setting of the condition of the vehicle, as recited in claims 4, 5, 8 and 9.

Inoue fails to remedy the deficiencies of Ito. Inoue teaches a route setting device in a navigation apparatus that determines a route based on whether or not a vehicle allowed to travel on specific roadways according to the number of passengers in the vehicle. Inoue's system makes a determination or a judgment of the number of passengers prior to determining the route. This can be done by inquiring of the driver the number of passengers in the vehicle. The system will then determine the route based on this data. Thus, the route is determined in consideration of the number of passengers and the certain roads, i.e. toll roads, that can or cannot be used based on the number of passengers. At column 10, lines 64-65 it states that "after the driver inputs the data for the message and the ECU 36 receives the data, the ECU 36 executes step S40 in the same way as explained above." The step S40 explained previously in the Inoue reference refers

to the calculation of the route. Thus, the number of passengers is set prior to the calculation of the route.

Also, the Examiner states in the Office Action on page 3, lines 13-14 that “upon the determination of how many passengers are in the vehicle, Inoue et al then calculates the route accordingly.” Applicant submits however, that in Inoue the route is calculated after the determination of how many passengers are in the vehicle, and not upon the determination.

Applicant’s claims recite setting the condition of the vehicle after the route is searched and not prior thereto as in Inoue. Thus, various roads are not overlooked in the route retrieval process due to conditions asserted prior to the searching the route as is done in Inoue’s system.

Therefore, Applicant respectfully submits that combination of Inoue and Ito fail to teach the above-noted features of independent claim 4, 5, 8 and 9. Accordingly, reconsideration and withdrawal of the rejection are respectfully requested.

Conclusion

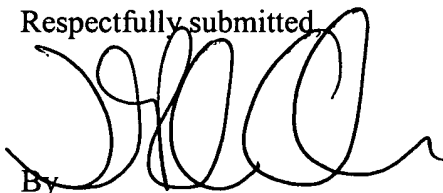
For at least these reasons, it is respectfully submitted that claims 4, 5, 8 and 9 are distinguishable over cited art. Favorable consideration and prompt allowance are earnestly solicited.

Should there be any outstanding matters that need to be resolved in the present application, the Examiner is respectfully requested to contact Chad J. Billings Reg. No. 48,917 at the telephone number of the undersigned below, to conduct an interview in an effort to expedite prosecution in connection with the present application.

If necessary, the Commissioner is hereby authorized in this, concurrent, and future replies to charge payment or credit any overpayment to Deposit Account No. 02-2448 for any additional fees required under 37.C.F.R. §§1.16 or 1.14; particularly, extension of time fees.

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Respectfully submitted,



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